

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MIGUEL ALEJANDRO JARAMILLO,
Plaintiff,

v.

7:10-CV-0924

JEFFERSON COUNTY DISTRICT
ATTORNEY'S OFFICE, CINDY F.
INTSCHERT, KRYSTINA S. MILLS,

Defendants.

THOMAS J. McAVOY
United States District Judge

DECISION and ORDER

This *pro se* civil rights action pursuant to 42 U.S.C. § 1983 was referred to the Hon. George H. Lowe, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

The Report-Recommendation dated October 5, 2010 recommended: (1) Plaintiff's complaint be dismissed for failure to state a claim; and, (2) Plaintiff's motion for leave to proceed in *forma pauperis* be denied as moot. Plaintiff filed timely objections to the Report-Recommendation, essentially raising the same arguments presented to the Magistrate Judge.

When objections to a magistrate judge's Report-Recommendation are lodged, the Court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. § 636(b)(1). After such a review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further

evidence or recommit the matter to the magistrate judge with instructions." Id.

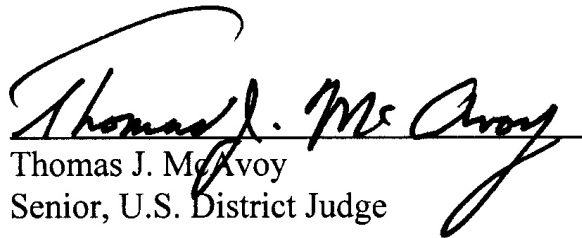
Having reviewed the record *de novo* and having considered the issues raised in Plaintiff's objections, the Court has determined to adopt the Report and Recommendation of Magistrate Judge Lowe for the reasons stated therein.

It is therefore

ORDERED that Plaintiff's Complaint is **DISMISSED** failure to state a claim and that Plaintiff's motion for leave to proceed in *forma pauperis* is **DENIED** as moot.

IT IS SO ORDERED.

Dated: January 21, 2011


Thomas J. McAvoy
Senior, U.S. District Judge